



# राजपत्र, हिमाचल प्रदेश

## (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

सिमला, बुधवार, 7 जून, 1978/17 ज्येष्ठ, 1900

हिमाचल प्रदेश सरकार

LAW DEPARTMENT

NOTIFICATION

*Simla-2, the 7th June, 1978*

No. LLR-D(6)18/78.—The Himachal Pradesh Panchayati Raj (Amendment) Ordinance, 1978 (Ordinance No. 2 of 1978) promulgated by the Governor of Himachal Pradesh under clause (1) of Article 213 of the Constitution of India on 6-6-1978 is hereby published in the Rajpatra, Himachal Pradesh for the information of general public.

JAI CHAND MALHOTRA,  
Secretary.

Ordinance No. 2 of 1978.

**THE HIMACHAL PRADESH PANCHAYATI RAJ (AMENDMENT)  
ORDINANCE, 1978**

*Promulgated by the Governor of Himachal Pradesh in the Twenty-ninth Year of the Republic of India.*

An Ordinance further to amend the Himachal Pradesh Panchayati Raj Act, 1968 (Act No. 19 of 1970):

Whereas, the Legislative Assembly of Himachal Pradesh is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Himachal Pradesh is pleased to make and promulgate the following Ordinance:—

**Short title  
and commence-  
ment.**

1. This Ordinance may be called the Himachal Pradesh Panchayati Raj (Amendment) Ordinance, 1978.

(2) It shall come into force at once.

**Amend-  
ment of  
section 5.**

2. For existing sub-section (3) of section 5 of the Himachal Pradesh Panchayati Raj Act, 1968 (Hereinafter called the principal Act) the following sub-section (3) shall be substituted, namely:—

“(3) Every person who has attained the age of eighteen years on the qualifying date and ordinarily resides in a village which forms a part of the Sabha area for a period of one year immediately before the qualifying date and whose name is registered in the register of members to be prepared and maintained by the Gram Panchayat in the prescribed manner, shall be a member of that Gram Sabha:

Provided that no person shall be entitled to be registered in the register of members in more than one Gram Sabha:

Provided further that a person who,—

- (a) is not a citizen of India; or
- (b) is of unsound mind and stands so declared by a competent court; or
- (c) is for the time being disqualified from voting under the provisions of any law relating to corrupt practices and other offences in connection with elections;

shall not be entitled to be registered as a member of the Gram Sabha. The name of any person who becomes so disqualified after registration shall forthwith be struck off from the register of members in which it is included.

*Explanation I.*—The expression “qualifying date” in relation to the preparation or the revision of every register of members under the Act or the rules framed thereunder, means the 31st day of December of the preceding year of the year in which the register of members is so prepared or revised.

*Explanation II.*—(a) A person absenting himself temporarily from his place of ordinary residence shall not by reason thereof cease to be ordinarily resident therein.

(b) A person shall not be deemed to be ordinarily resident in a Sabha area on the ground only that he owns, or is in possession of a dwelling house therein.”

3. For the sign full stop “.” occurring at the end of third proviso to sub-section (1) of section 9 of the principal Act, the sign colon “:” shall be substituted and thereafter the following proviso shall be added, namely,—

Amend-  
ment of  
section 9.

“Provided further that in case there is,—

(a) no scheduled caste population; or

(b) no eligible person belonging to scheduled caste, to be chosen or co-opted as a Panch of the Gram Panchayat;

neither any seat shall be reserved for scheduled caste nor any person belonging to scheduled caste shall be co-opted as a Panch.”

SIMLA:  
6th June. 1978.

AMIN-UD-DIN AHMAD KHAN,  
Governor.

J. C. MALHOTRA,  
Secretary (Law).

